

House, located at 2113 West Jefferson Street in Boise, Idaho (hereinafter “Jefferson House”).

4.

Idaho Code § 54-4202(8) provides that residential care facility administrators are responsible for planning, organizing, directing, and controlling the operation of a residential care facility.

5.

On or about March 18, 2003, two investigators from the Bureau of Occupational Licenses visited Jefferson House and found the following:

- A full bucket of dirty, green water under the sink catching a leak from the sink;
- All bedrooms cluttered and in disarray, and one resident’s bedroom cluttered so badly the door could not be fully opened;
- Smoke detectors in one bedroom and in the dining area hanging from the wires;
- Both resident restrooms in unsanitary conditions: floors were dirty, shower floors were dirty and one of the showers had large amounts of hair and mold in the drain, a trash can was overflowing, there was what appeared to be fecal matter on the toilets, one restroom did not have toilet tissue, and neither restroom had paper towels;
- Living room and dining room floors were dirty with large particles of debris on the floor;
- Dining room table was dirty with wet spots and a used bowl on the table;
- Closet doors in some of the bedrooms were not attached;
- No towels or clean sheets in the linen closet;
- Water on the floor in the laundry area, and the sink was dirty and had a sock and paintbrush in it; and
- Trash needed picked up in the yard.

6.

During the investigators' visit on March 18, 2003, Respondent was unable to determine if there was a first aid kit at the facility, and it was discovered that there was no first aid kit but only a few band-aids in the locked area of the pantry. At the conclusion of the visit, Respondent informed the investigators that she would submit a written response regarding the conditions of the facility and a copy of the staff duties description to the Bureau within one week.

7.

On March 22, 2003, an incident occurred at Jefferson House regarding a medication mix-up with one of the residents. Respondent did not investigate the medication mistake.

8.

On March 30, 2003, an incident occurred at Jefferson House regarding a resident and one of the facility managers. Respondent did not investigate the incident.

9.

On April 7, 2003, one of the investigators contacted Respondent to remind her that she was to submit a written response and job descriptions by March 25, 2003, and Respondent stated she would submit a written response by April 15, 2003.

10.

On April 8, 2003, the investigators visited Jefferson House and found it in better condition than the previous visit. The facility manager provided the investigators with a 3-page, handwritten document which contained the cleaning duties for the facility, which document had been given to the facility manager after the investigators' March 18, 2003, visit.

11.

On April 15, 2003, the investigators returned to Jefferson House and the facility manager provided the investigators with copies of two incident reports, one involving the

medication mistake on March 22, 2003, and the other involving a facility manager's argument with the resident on March 30, 2003 (which report did not exist when the investigators visited on April 8, 2003).

12.

On April 16, 2003, one of the investigators contacted Respondent by telephone. Respondent stated that she had not written a response to the allegations because all she would have to write was "All fixed. Love, Mari."

13.

One of the facility managers at the time had received four convictions for assault and a harassment conviction, as well as a felony conviction for possession of a controlled substance and had convictions for theft and forgery. Witnesses at the facility manager's former employer reported that they heard him yelling at his wife and throwing objects in his room, and clients stated they were afraid of him. Respondent informed the investigators that she reviewed a background check from that facility before hiring the facility manager, but no such background check could be located.

14.

On May 9, 2003, the State of Idaho Department of Health and Welfare, Bureau of Facility Standards revoked the license for Jefferson House.

15.

Respondent's repeated failure to act in a manner consistent with the health and safety of patients constitutes a violation of the laws and rules governing the practice of residential care facility administrators, specifically Idaho Code § 54-4213(1)(b).

WHEREFORE, the Chief of the Bureau of Occupational Licenses prays for the following action on the part of the Board of Examiners of Residential Care Facility Administrators:

1. That a hearing commence at a designated time to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board's designated hearing officer;

2. That subsequent to taking evidence, the waiver of a hearing, or the failure of the Respondent to file an Answer to this administrative Complaint, that the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law and the Board shall determine whether the license of Respondent Mari Skeen should be revoked, suspended or other disciplinary action imposed pursuant to the statutory and regulatory authority of the Board of Examiners of Residential Care Facility Administrators; and

3. For such other and further relief as the Board deems just and proper in the circumstances, including recovery of investigative costs and attorney fees.

DATED this 23rd day of September, 2003.

IDAHO STATE BUREAU OF
OCCUPATIONAL LICENSES

By Rayola Jacobsen
Rayola Jacobsen, Chief

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NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Examiners of Residential Care Facility Administrators a verified Answer to the allegations contained herein within twenty-one (21) days after you are served with this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer and/or request a hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the

date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

All original official documents must be filed with the Board at the following address:

Idaho State Board of Examiners
of Residential Care Facility Administrators
1109 Main Street
Owyhee Plaza, Suite 220
Boise, ID 83702-5642
telephone: (208) 334-3223
facsimile: (208) 334-3945

All original official documents must be filed with the Board between the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays. The Board does permit the filing of facsimile copies provided that the facsimile transmission is received during the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays and is legible in its entirety. It shall be the responsibility of the filing party to verify with the staff of the Board that any facsimile transmission is successfully received and legible in its entirety.

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon legal counsel for the Board at the following address:

Cheri L. Bush
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010

CERTIFICATE OF SERVICE

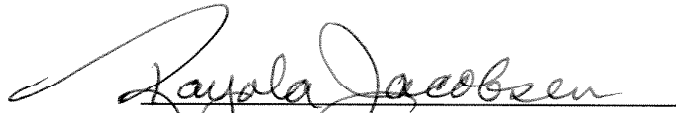
I HEREBY CERTIFY that on this 23rd day of September 2003, I caused to be served a true and correct copy of the foregoing by the following method to:

Mari Skeen
1691 N. Eagle Road
Eagle, ID 83616

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Cheri L. Bush
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Rayola Jacobsen, Chief
Bureau of Occupational Licenses

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided.)

Original USE

7000 1530 0005 5350 2374

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Settlement 09/15/03 N.H.

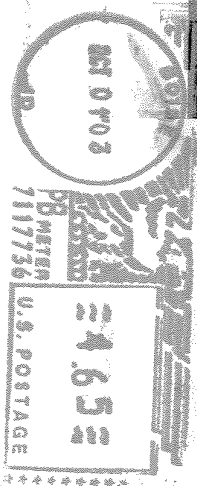
Sent To: **MARI SKEEN**
 Street, A1: **1691 N. EAGLE ROAD**
 City, State: **EAGLE, IDAHO 83616**

PS Form 3800, January 2000 See reverse for instructions

CERTIFIED MAIL



7000 1530 0005 5350 2374



STATE OF IDAHO
 DEPARTMENT OF SELF-GOVERNING AGENCIES
 Bureau of Occupational Licenses
 Owyhee Plaza
 1109 Main Street, Suite 220
 Boise, Idaho 83702-5642

RETURN SERVICE REQUESTED



UNCLAIMED

RECEIVED
OCT 27 2003

OCCUPATIONAL LICENSES

MARI SKEEN
 1691 N. EAGLE ROAD
 EAGLE, IDAHO 83616

10/2/03 10-8-17

5361643843

**BEFORE THE STATE BOARD OF
RESIDENTIAL CARE ADMINISTRATORS**

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:

MARI SKEEN,
License No. RCA-231,

Respondent.

Case No. RCA-P3B-02B-03-2

FINAL ORDER

THIS MATTER came before Michelle R. Points, the designated Hearing Officer.

The State appeared by its attorney of record, Cheri L. Bush, Idaho Deputy Attorney General. Respondent, Mari Skeen, failed to answer or appear in this proceeding. The Hearing Officer conducted a hearing on the matter on December 16, 2003. The Respondent failed to appear at the hearing, and a default was entered. On January 9, 2004, the Hearing Officer submitted her Findings of Fact, Conclusions of Law and Recommended Order.

This matter then came before the Idaho State Board of Residential Care Administrators, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference.
2. That Respondent's actions constitute a violation of laws governing Residential Care Administrators, and constitutes grounds for disciplinary action against her license to practice residential care administration in the state of Idaho pursuant to Idaho Code § 54-4213 and

FINAL ORDER - 1.

IDAPA 24.19.01.650. The Board therefore imposes the following disciplinary sanctions upon Respondent Mari Skeen:

- a. That Respondent's license shall be revoked.
- b. That Respondent shall pay the costs and attorney's fees incurred in the investigation and prosecution of this matter in the total amount of Three Thousand Sixty-Nine and 59/100 Dollars (\$3,069.59), to be paid within ninety (90) days from the date of this Order.

3. This is the Final Order of the Board.

- a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code § 67-5247(4).)

- b. Pursuant to Idaho Code §§ 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

- c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code § 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

FINAL ORDER - 2.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State=s attorney by mailing a copy to them at their addresses as provided.

DATED this 11 day of March, 2004.

STATE BOARD OF RESIDENTIAL
CARE ADMINISTRATORS

By Verlene Kaiser
Verlene Kaiser, Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11 day of March, 2004, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Cheri L. Bush
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

Mari Skeen
1691 North Eagle Road
Eagle, Idaho 83616

☒ Statelhouse Mail

☐ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission

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☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission

Rayola Jacobsen
Rayola Jacobsen, Bureau Chief

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